

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 4, 1944  
11:20 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
Absent: Councilman Wolf - 1

Present also: Walter E. Seaholm, Acting City Manager; J.E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R.D. Thorp, Chief of Police.

The minutes of the Regular Meeting of April 27, 1944, were read, and upon motion of Councilman Alford were adopted as read by the following vote:  
Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
Noes: None  
Absent: Councilman Wolf

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT OF ALL THAT LAND KNOWN AS BLOCKS 28, 29, AND 30, FAIRVIEW PARK, ACCORDING TO PLAT BOOK 1, PAGE 46, OF THE PLAT RECORDS OF TRAVIS COUNTY, SAID PROPERTY BEING LOCATED ON NEWNING AVENUE, IN THE CITY OF AUSTIN, TEXAS; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP SO AS TO SHOW THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf

The ordinance was then read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf

The ordinance was then read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes: None  
 Absent: Councilman Wolf

Thereupon the Mayor announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by resolution adopted April 30, 1942, by the City Council of the City of Austin, recorded in Book 698, pages 293-303, Deed Records of Travis County, Texas, the City Council of the City of Austin set aside and dedicated for use as a public street and thoroughfare in the City of Austin twenty-seven tracts of land;

WHEREAS, said dedication did not include six small tracts of land adjoining a part of the property dedicated in the above resolution;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the following described six tracts of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be, and the same are hereby, set aside and dedicated for use as a public street and thoroughfare in the City of Austin, said tracts being particularly described as follows:

No. 1: A portion of Lot No. 12, Block 8, Silliman's Sub-division of Outlot 5, Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the map or plat of said subdivision of record in Book 1, page 118, of the Plat Records of Travis County, Texas, and being a part of the property described in deed of Max Silberstein, et ux, to the City of Austin, dated May 1, 1940, recorded in Volume 649, page 205, Deed Records of Travis County, Texas, said portion of Lot No. 12 being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of Lot No. 12; thence northerly with the west line of Lot No. 12 and the east line of Lot No. 11, 170' to the northwest corner of Lot No. 12; thence easterly with the north line of Lot No. 12 6.75' to stake for corner in the north line of Lot No. 12; thence south  $23^{\circ}18'$  west 170.02' to stake in the south line of Lot No. 12; thence westerly with the south line of Lot No. 12 4.97' to the place of beginning, said property being the remaining part of said Lot No. 12 which was not dedicated by the above mentioned resolution dated April 30, 1942.

NO. 2: A portion of Lot No. 6, Block 8 of Silliman's Subdivision of Outlot 5, Division Z of the Government Outlots adjoining the City of Austin, Travis County, Texas, according to the map or plat of said Silliman's Subdivision of record in Book 1, page 118 of the Plat Records of Travis County, Texas, said Lot No. 6 being conveyed to the City of Austin by the following deeds:

Deed of Mrs. Floree Neill, et al, recorded in Vol. 651, pages 298-299, and Vol. 651, pages 304-306;

Deed of Mrs. Louise Hamby Robinson, recorded in Vol. 645, pages 313-314, Deed Records of Travis County, Texas;

said portion of Lot No. 6 being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of Lot No. 6; thence northerly with the west line of Lot No. 6 and the east line of Lot No. 5 170' to the northwest corner of Lot No. 6; thence easterly with the north line of Lot No. 6 8.68' to stake for corner in the north line of said Lot No. 6; thence south  $23^{\circ}18'$  west 170.02' to stake for corner in the south line of Lot No. 6; thence westerly with the south line of Lot No. 6 6.9' to the place of beginning, said above described property being the remaining part of Lot No. 6 which was not dedicated by the above mentioned resolution dated April 30, 1942.

NO. 3: A portion of Lot No. 12, Block No. 2 of Silliman's Subdivision of Outlot No. 5, Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to map or plat of said Silliman's Subdivision of record in Book 1, page 118, of the Plat Records of Travis County, Texas, which Lot No. 12 was conveyed to the City of Austin by Sophia Domschke, et al, by deed dated April 8, 1940, recorded in Volume 643, pages 317-318, Deed Records of Travis County, Texas, said portion of Lot No. 12 being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said Lot No. 12; thence northerly with the west line of Lot No. 12 and the east line of Lot No. 11 150' to stake for corner; thence easterly with the north line of Lot No. 12 10.87' to stake for corner in the north line of Lot No. 12; thence south  $23^{\circ}18'$  west 150.02'

to stake for corner in the south line of Lot No. 12; thence westerly with the south line of Lot No. 12 9.3' to the place of beginning, said above described portion of Lot No. 12 being the remaining part of Lot No. 12 which was not dedicated by the above mentioned resolution of April 30, 1942.

NO. 4: A portion of Lot No. 6 in Block No. 2 of Silliman's Subdivision of Outlot No. 5, Division 2 of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to map or plat of said Silliman's Subdivision of record in Book 1, page 118 of the Plat Records of Travis County, Texas, said Lot No. 6 being acquired by the City of Austin by the following deeds:

Deed of Mrs. E. G. Kamp, recorded in Volume 644, pages 375-376, Deed Records of Travis County, Texas;

Deed of Aleck McAngus, et ux, recorded in Volume 645, pages 282-283, Deed Records of Travis County, Texas, said portion of Lot No. 6 being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of Lot No. 6; thence northerly with the west line of Lot No. 6 and the east line of Lot No. 5 150' to stake for corner; thence easterly with the north line of Lot No. 6 12.60' to stake for corner in the north line of Lot No. 6; thence south 23°18' west 150.02' to stake for corner in the south line of Lot No. 6; thence westerly with the south line of Lot No. 6 11.03' to the place of beginning, said above described portion of Lot No. 6 being the remaining part of Lot No. 12 which was not dedicated by the above mentioned resolution dated April 30, 1942.

NO. 5: A portion of Lot No. 12, Block No. 1, Silliman's Subdivision, according to the map or plat of said Silliman's Subdivision of record in Book 1, page 118 of the Plat Records of Travis County, Texas, said Lot No. 12 conveyed to the City of Austin by S. B. Sheppard, et ux, by deed dated March 16, 1940, recorded in Volume 645, pages 189-190 of the Deed Records of Travis County, Texas, said portion of Lot No. 12 being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of Lot No. 12; thence northerly with the west line of Lot No. 12 and the east line of Lot No. 11 149.58' to stake for corner; thence easterly with the north line of Lot No. 12 14.78' to stake for corner in the north line of said Lot No. 12; thence south 23°18' west 149.6' to stake for corner in the south line of Lot No. 12; thence westerly with the south line of Lot No. 12 13.22' to the place of beginning, said above described portion of Lot No. 12 being the remaining part of said lot which was not dedicated by the above mentioned resolution dated April 30, 1942.

NO. 6: A portion of Lot No. 6, Block No. 1 of Silliman's Subdivision, according to plat of said subdivision of record in Plat Book 1, page 118, Plat Records of Travis County, Texas,

said portion of Lot No. 6 being conveyed to the City of Austin by Ruby Redman Leigh, et vir., by deed dated June 20, 1940, recorded in Volume 651, pages 299-300 of the Deed Records of Travis County, Texas, said portion of Lot No. 6 being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of Lot No. 6; thence easterly with the south line of Lot No. 6 10' to stake for corner in the south line of Lot No. 6 and the beginning point of the property herein dedicated; thence northerly and parallel with the east line of Lot No. 6 149.55' to stake for corner in the north line of Lot No. 6; thence easterly with the north line of Lot No. 6 6.35' to stake for corner in the north line of said Lot No. 6; thence south 23°18' east 149.63' to the south line of Lot No. 6; thence westerly with the south line of Lot No. 6 4.78' to the place of beginning, said above described portion of Lot No. 6 being the remaining part of that portion of Lot No. 6 which was acquired by the City of Austin and not dedicated by the above mentioned resolution dated April 30, 1942.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**THAT** the City Clerk be, and she is hereby, authorized and directed to file this resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for street purposes the tracts of land hereinabove described.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

The application of LIQUOR WAREHOUSE, INC., 217 Congress Avenue, for a retail package store permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

The application of RANDOLPH HAWKINS, 1010 Juniper Street, for a taxicab license to operate as a taxicab a 1942 Model Chevrolet, Motor No. BA166515, State License (1942) NO. 25-908, (1944) No.         , duly approved by the Acting City Manager, to replace Taxicab Permit No. 7 cancelled by Fred Oliver Jones, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The application of JAMES ELDIA HAIRE, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Ford Sedan, 1940 Model, Motor No. 5349415, State License (1942) No. N12-920, (1944) NO. FR-104, duly approved by the

Acting City Manager, to replace Taxicab Permit No. 56 cancelled by E.J. Jordan, was submitted. Councilman Gillis moved that the license be granted, conditioned upon payment by the said James Eldia Haire of delinquent taxes owing by him, in the amount of \$94.27, plus interest and penalty. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The application of EMIT YOUNG WILSON, 705 East 1st Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

The application of JAMES ELDIA HAIRE, Capitol Hotel, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a private gasoline plant consisting of a 280-gallon tank and one gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, the property situated on the west side of Fredericksburg Road, which property is owned by Young and Pratt, and is designated as the south part of Lot 14, Evergreen Heights of the City of Austin, Travis County, Texas, and hereby authorizes the said Young and Pratt, acting by and through F. L. Wentworth, to operate a private gasoline plant consisting of a 280-gallon tank and one gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Young and Pratt has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
May 4, 1944

Mr. Walter E. Seaholm  
Acting City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Young and Pratt, acting by and through F. L. Wentworth, Office Manager, for permission to operate a private gasoline plant consisting of a 280-gallon tank and one gasoline pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Fredericksburg Road, which property is designated as the south part of Lot 14, Evergreen Heights, of the City of Austin, Travis County, Texas, and locally known as 1818 Fredericksburg Road .

This property is located in a "C" Commercial District, and I recommend that this permit be granted, subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the National Board of Fire Underwriters and that all tanks and pumps shall be installed in compliance with the ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit shall be secured from the Building Inspector's Office before any installation work is started.

Respectfully submitted,

(Sgd) J. C. Eckert  
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.

Noes : None

Absent: Councilman Wolf.

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in CHICON STREET 37 feet north of East 14th Street southerly 111 feet, the centerline of which gas main shall be 11 feet west of, and parallel to, the east property line of said Chicon Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (2) A gas main in NEWTON STREET 147 feet south of West Milton Street, southerly 100 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said Newton Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (3) A gas main in BOULDIN AVENUE 4 feet north of Post Oak Street northerly 176 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said Bouldin Avenue.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf.

The following report of the City Plan Commission on the purchase of the St. John's Orphanage tract was received:

" Austin, Texas  
 April 28, 1944

Honorable Mayor and City Council  
 Austin, Texas

Gentlemen:

With reference to the request of the City Council that the City Plan Commission take under consideration the advisability of the purchase of the St. John's Orphanage tract by the City, I wish to report that a Special Committee, with Mr. M. H. Crockett as Chairman, was assigned to make an investigation of the matter .

After considerable study and investigation, the Committee recommended to the Commission that it approve the purchase of the property.

At its meeting on April 13, 1944, the City Plan Commission unanimously adopted the recommendation of the Special Committee. I wish to advise therefore that the City Plan Commission recommends to the City Council that the tract be purchased.

Respectfully submitted,

(Sgd) H. F. Kuehne  
 Chairman, City Plan Commission."

Mayor Miller announced that the terms of two members of the Board of Equalization having expired May 1, appointments for the ensuing two-year term were now in order.

Councilman Gillis then nominated RICKNEY KEY as a member of the Board of Equalization, to succeed himself, for the two-year term beginning May 1, 1944, and ending May 1, 1946. The nomination was confirmed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf

Councilman Gillis then nominated STERLING P. TADLOCK as a member of the Board of Equalization, to succeed himself, for the two-year term beginning May 1, 1944, and ending May 1, 1946. The nomination was confirmed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, City of Austin taxes were assessed in the name of D. H. Smith for the years 1940, 1941, and 1942, on Lots 17, 18, and 19, in Block 26, Hyde Park No. 1, said taxes for said years being in the amount of \$171.31, and for non-payment of same at maturity, penalty in the sum of \$8.56 has been assessed and interest in the amount of \$21.41 has accrued, making the total amount of taxes, penalties, and interest dur \$201.28; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$8.56 and one-half the interest in the sum of \$10.70; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$8.56 and one-half of the interest in the sum of \$10.70 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$8.56 and said interest in the sum of \$10.70 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller.  
 Noes : None  
 Absent: Councilman Wolf

There being no further business, upon motion of Councilman Alford, the meeting was recessed at 11:40 A. M., subject to call of the Mayor.

APPROVED:

*Tom Miller*  
 MAYOR

ATTEST:

*Shelley McMiller*  
 CITY CLERK